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MENDOZA, JUNIOR O	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/663,016	STECYK, POLLY	
	Examiner	Art Unit	
	JUNIOR O. MENDOZA	2423	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 March 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 15 and 22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. **Claims 15 – 21** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 15 – 21 sets forth a "recordable medium." However, the specification as originally filed does not explicitly define the computer recordable medium instead it simply provides examples such as a ROM chip and an ASIC logic, see paragraph [0041]. The United States Patent and Trademark Office (USPTO) is obliged to give claims their broadest reasonable interpretation consistent with the specification during proceedings before the USPTO. *See In re Zletz*, 893 F.2d 319 (Fed. Cir. 1989) (during patent examination the pending claims must be interpreted as broadly as their terms reasonably allow). The broadest reasonable interpretation of a claim drawn to a computer recordable media (also called machine readable medium and other such variations) typically covers forms of non-transitory tangible media and transitory propagating signals *per se* in view of the ordinary and customary meaning of computer readable media, particularly when the specification is

absent of an explicit definition or is silent. *See* MPEP 2111.01. When the broadest reasonable interpretation of a claim covers a signal *per se*, the claim must be rejected under 35 U.S.C. § 101 as covering non-statutory subject matter. *See In re Nuijten*, 500 F.3d 1346, 1356-57 (Fed. Cir. 2007) (transitory embodiments are not directed to statutory subject matter) and *Interim Examination Instructions for Evaluating Subject Matter Eligibility Under 35 U.S.C. § 101*, Aug. 24, 2009; p. 2.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. **Claims 1 – 35** are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas (Patent No 7,134,130) in view of Johnson et al. (Pub No US 2004/0078806) further in view of Rodriguez et al. (Pub No US 2009/0282428). Hereinafter referenced as Thomas, Johnson and Rodriguez, respectively.

Regarding **claim 1**, Thomas discloses a consumer electronics device having media supervision enforcement circuitry for supervising personal exposure to user discernible information, comprising:

a first logic unit configured for generating viewer indicators indicative of viewers present in a viewing area (image recognition [212] determines that a user is present in a given area having access to the display, column 7 lines 43-44 also exhibited on fig 2);

non-volatile memory configured for receiving viewing profiles (viewing criteria [216] specifies which users have access to a content or various types of content, column 9 lines 57-59; a memory containing user profiles, column 2 lines 9-13; moreover, Thomas discloses that all the IDE connectors [124] are standard devices such as hard drives, which are non volatile memory, column 5 lines 24-27);

a second logic unit coupled to the first logic unit and the non-volatile memory and being configured for comparing a viewer indicator with viewing profiles to identify an active viewing profile and a content-based indicator (rating) with the active viewing profile (decision and command processor [214] couples to image recognition [212] or first memory and also couples to viewing criteria [216] or non-volatile memory as exhibited on figure 2; Moreover, decision and command processor [214] compares the user currently being recognized with the viewing criteria corresponding to that user, column 9 lines 59-63),

the second logic unit being further configured for generating a control signal in response to the comparison between the content-based indicator and the viewing profiles (control signal [215], column 6 lines 57-58 also exhibited on fig 2);

and a signal impairment mechanism coupled to the second logic unit and configured for, based on the control signal, selectively passing a program signal there through without substantial impairment corresponding to the active viewing profile or

passing the program signal there through with substantial impairment if the content – based indicator exceeds corresponding to the active viewing profile (display controller [222] selectively controlling the display of content information based content rating and user's profile, blocking or allowing the signal, column 7 lines 45-48 fig 2).

However, it is noted that Thomas fails to explicitly disclose a non-volatile memory configured for receiving a plurality of viewing profiles for selected viewers wherein the plurality of viewing profiles include content-based specifications and wherein one or more of the plurality of viewing profiles include two or more time range specifications and different content-based specifications corresponding to each of the two or more time range specifications; comparing a reference time with the active viewing profile; selectively passing a program signal there through without substantial impairment if the reference time falls outside of the two or more time range specifications corresponding to the active viewing profile or the content-based indicator does not exceed the content-based specification corresponding to one of the two or more of time range specifications of the active viewing profile within which the reference time falls or passing the program signal there through with substantial impairment if the content-based indicator exceeds the content-based specification corresponding to one of the two or more time range specifications of the active viewing profile within which the reference time falls within.

Nevertheless, in a similar field of endeavor Johnson discloses a non-volatile memory configured for receiving a plurality of viewing profiles for selected viewers (Paragraph [0016]),

wherein the plurality of viewing profiles include content-based specifications (Paragraph [0029] also exhibited on fig 5 and 6)

and wherein one or more of the plurality of viewing profiles include two or more time range specifications (Paragraph [0029] [0082] also exhibited on fig 6; weekday time ranges and weekend time ranges);

comparing a reference time (system 25 master clock) with the active viewing profile (Paragraphs [0061] [0062] figures 2 and 3; user 1, 2… 5);

selectively passing a program signal there through without substantial impairment if the reference time falls outside of the two or more time range specifications corresponding to the active viewing profile or the content-based indicator does not exceed the content-based specification corresponding to one of the two or more of time range specifications of the active viewing profile within which the reference time falls (Paragraph [0081]-[0083] figure 6; content meeting the preset profile rating limits are presented to the viewer),

or passing the program signal there through with substantial impairment if the content-based indicator exceeds the content-based specification corresponding to one of the two or more time range specifications of the active viewing profile within which the reference time falls within (Paragraph [0081]-[0083] figure 6; content over the preset profile rating limits are blocked to the viewer).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas by specifically providing the elements mentioned above, as taught by Johnson, for the predictable result of implementing a

reliable and accurate parenting control scheme which allows children only watch appropriate content rating at predetermined times.

However, it is noted that Thomas and Johnson fail to explicitly disclose different content-based specifications corresponding to each of the two or more time range specifications.

Nevertheless, in a similar field of endeavor Rodriguez discloses different content-based specifications corresponding to each of the two or more time range specifications (Paragraphs [0124 [0116] figure 29C; blocking content based on content based parameters 2904 independently specific to each time range 2902).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the viewing profiles of Thomas and Johnson, by specifically providing a plurality of time range specification which corresponds to content based specifications, as taught by Rodriguez, for the purpose of implementing a reliable and accurate parenting control scheme which allows parents to block questionable content using a combination of time ranges and rating settings for different periods of time when children are awake and asleep.

Regarding **claim 2**, Thomas, Johnson and Rodriguez disclose the consumer electronics device of claim 1; moreover, Thomas discloses that each of the viewing profiles comprises a viewer specification (viewing criteria [216] that specifies the material that each user has access to, column 9 lines 57-59 also exhibited on fig 2)

and a content-based specification corresponding to the viewer specification (the broadcasted program includes a viewer rating, which indicates whether a user has access to it or not based on such information in relation to a user's profile, column 8 lines 4-15).

Regarding **claim 3**, Thomas, Johnson and Rodriguez disclose the consumer electronics device of claim 2; moreover, Thomas discloses an output device coupled to the signal impairment mechanism for transforming the program signal into the user discernible information (display [224] which displays the information to be viewable to an user, column 7 lines 40-42 also exhibited on fig 2).

Regarding **claim 4**, Thomas, Johnson and Rodriguez disclose the consumer electronics device of claim 1; however, it is noted that Thomas fails to explicitly disclose a data entry system for selectively inputting the viewer and content-based specifications into the non-volatile memory for storage.

Nevertheless, in a similar field of endeavor Johnson discloses a data entry system for selectively inputting the viewer and content-based specifications into the non-volatile memory for storage (Paragraph [0008]; figure 4-6).
Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas by specifically providing the elements mentioned above, as taught by Johnson, for the purpose allowing the user to edit and add viewer profiles.

Regarding **claim 5**, Thomas, Johnson and Rodriguez disclose the consumer electronics device of claim 1; moreover, Thomas discloses that the non-volatile memory includes a look-up list for storing a plurality of viewer specification and associated content-based specifications (user [99] programs the system [200] by providing a list of persons and a rating of content suitable for each of those persons or a person rating, column 10 lines 58-60; moreover, such list is located in the viewing criteria [216] which specifies what users have access to a content or various types of content, column 9 lines 57-59).

Regarding **claim 6**, Thomas, Johnson and Rodriguez disclose the consumer electronics device of claim 1; moreover, Thomas discloses that the program signal carries the content-based indicator (program content signal [221] included a content indicator signal [219], column 6 lines 63-65), and

further comprising a data extraction device coupled to the logic unit for extracting the content-based indicator (decision and command processor [214] receives and extract the content indicator signal [219], column 7 lines 1-5).

Regarding **claim 7**, Thomas, Johnson and Rodriguez disclose the consumer electronics device of claim 1; moreover, Thomas discloses that the signal impairment device is a switch (decision and command processor [214] can either totally block the

signal or replace the signal by another signal, column 8 lines 20-23; where device [214] performs as a switch.

Regarding **claim 8**, Thomas, Johnson and Rodriguez disclose the consumer electronics device of claim 1; moreover, Thomas discloses that the output device is a television system audio/video output device (display [224] displays a television signal, column 7 lines 17-21).

Regarding **claim 9**, Thomas, Johnson and Rodriguez disclose the consumer electronics device of claim 1; moreover, Thomas discloses that the first logic unit is a computer configured to run facial recognition software (image recognition [212] determines that a user is present in a given area having access to the display, column 7 lines 43-44 also exhibited on fig 2; moreover, Thomas discloses that image recognition [212] includes a software program which controls the image recognition processor, col. 7 lines 54-55).

Regarding **claim 10**, Thomas, Johnson and Rodriguez disclose the consumer electronics device of claim 1; moreover, Thomas discloses that a camera coupled to the first logic unit and configured to continuously scan the viewing area associated with the consumer electronic device (room scanner [210] includes a video camera that acquires an image of the monitored are or room, column 7 lines 52-54 also exhibited on fig 2;

moreover, Thomas discloses that the video camera can be any other similar imaging device, column 10 lines 33-34).

Regarding **claim 11**, Thomas, Johnson and Rodriguez disclose the consumer electronics device of claim 1; moreover, Thomas discloses that each of the viewing profiles comprises a viewer specification (a viewing criteria [216] which specifies the material that each user has access to, column 9 lines 57-59 also exhibited on fig 2).

However, it is noted that Thomas fails to explicitly disclose that each of the viewing profiles comprises a finite time range specification and a content-based specification corresponding to the viewer and time range specifications.

Nevertheless, in a similar field of endeavor Johnson discloses that each of the viewing profiles comprises a finite time range specification and a content-based specification corresponding to the viewer and time range specifications (Paragraphs [0029] [0061] [0082] also exhibited on fig 5 and 6; weekday time ranges, weekend time ranges and rating limits).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas by specifically providing the elements mentioned above, as taught by Johnson, for the purpose of implementing a reliable and accurate parenting control scheme which allows children to watch safer educational content.

Regarding **claim 12**, Thomas, Johnson and Rodriguez disclose the consumer electronics device of claim 1; however, it is noted that Thomas fails to explicitly disclose a data entry system for selectively inputting the viewer, time range and content-based specifications into the non-volatile memory for storage.

Nevertheless, in a similar field of endeavor Johnson discloses a data entry system for selectively inputting the viewer, time range and content-based specifications into the non-volatile memory for storage (Paragraph [0008] [0016] [0029] [0082] also exhibited on fig 5-6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas by specifically providing the elements mentioned above, as taught by Johnson, for the purpose of implementing a reliable and accurate parenting control scheme which allows children to watch safer educational content.

Regarding **claim 13**, Thomas, Johnson and Rodriguez disclose the consumer electronics device of claim 1; moreover, Thomas discloses that the non-volatile memory includes a look-up list for storing a plurality of viewer specification (A memory containing user profiles, column 2 lines 9-13; moreover, Thomas discloses that all the IDE connectors [124] are standard devices such as hard drives, which are non volatile memory, column 5 lines 24-27. Where system [200] includes a list of persons and the rating of content suitable for each of those persons, column 10 lines 58-60).

However, it is noted that Thomas fails to explicitly disclose that the non-volatile memory includes a look-up list for storing associated time range and content-based specifications.

Nevertheless, in a similar field of endeavor Johnson discloses that the non-volatile memory includes a look-up list for storing associated time range and content-based specifications (Paragraph [0016] [0029] [0082] fig 5 and 6; a memory stores the user profile records which includes the rating limits and viewing hours).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas by specifically providing the elements mentioned above, as taught by Johnson, for the purpose of implementing a reliable and accurate parenting control scheme which allows children to watch safer educational content.

Regarding **claim 14**, Thomas, Johnson and Rodriguez disclose the consumer electronics device of claim 1; moreover, Thomas discloses that the program signal carries the content-based indicator and timing information (program content (220) provides a content indication signal (219) indicative of the type of content in the program material, column 6 lines 62-65); moreover, program content [220] contains information about the time-span of the program material, column 7 lines 6-8),

and further comprising a data extraction device coupled to the logic unit for extracting the content-based indicator and timing information (Program content [220] outputs the program content signal [221] and a content indicator signal [219] which is

then coupled to decision and command processor [214], column 6 lines 63-65 also exhibited on fig 2).

Regarding **claim 15**, Thomas, Johnson and Rodriguez disclose all the limitations of claim 15; therefore, claim 15 is rejected for the same reasons stated in claim 1.

Regarding **claim 16**, Thomas, Johnson and Rodriguez disclose the recordable medium of claim 15; moreover, Thomas discloses that each of the received content-based indicator and the selected content-based specification is a rating (received program content includes a rating, which is then compared to the user's specification to decide whether such user is allow to have access to the content, column 8 lines 4-15).

Regarding **claim 17**, Thomas, Johnson and Rodriguez disclose the recordable medium of claim 16; moreover, Thomas discloses that the control signal is generated if the received content-based rating exceeds the selected content-based rating (a control signal (215) sent from the decision and command processor (214) to the display controller (222) indicating whether a user has been allowed access to a content or not, column 6 lines 57-63 also exhibited on fig 2).

Regarding **claim 18**, Thomas, Johnson and Rodriguez disclose the recordable medium of claim 15; moreover, Thomas discloses that each of the received content-

based indicators and the selected content-based specifications is a subject matter category (a content indicator and content specification used to avoid children from having contact to questionable content, from different content categories such as violent content or sexual content, column 6 lines 11-14).

Regarding **claim 19**, Thomas, Johnson and Rodriguez disclose the recordable medium of claim 18; moreover, Thomas discloses that the control signal is generated if the received content-based category matches the selected content-based category (a control signal (215) is generated from decision and command processor (214) according to the viewing criteria (216), which will block the content if there is any indication of sexual or violent content, column 6 lines 55-67 also exhibited on fig 2).

Regarding **claim 20**, Thomas, Johnson and Rodriguez disclose the recordable medium of claim 15; moreover, Thomas discloses that the control signal is generated to impair the program signal (if anyone outside the allowed set of persons is present the image and sound will be blocked, column 6 lines 60-63 also exhibited on fig 3).

Regarding **claim 21**, Thomas, Johnson and Rodriguez disclose the recordable medium of claim 15; however, it is noted that Thomas fails to explicitly disclose receiving timing information indicative of a reference time; selecting a finite time range specification associated with the timing information and selecting a content-based specification associated with the selected viewer and time range specifications.

Nevertheless, in a similar field of endeavor Johnson discloses receiving timing information indicative of a reference time (Paragraphs [0061] [0062] figures 2 and 3; system 25 master clock);

selecting a finite time range specification associated with the timing information (Paragraph [0029] also exhibited on fig 5 - 6; viewing hours 505);

and selecting a content-based specification associated with the selected viewer and time range specifications (Paragraph [0029] [0082] also exhibited on fig 5 and 6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas by specifically providing the elements mentioned above, as taught by Johnson, for the purpose of implementing a reliable and accurate parenting control scheme which allows children to watch safer educational content.

Regarding **claim 22**, Thomas, Johnson and Rodriguez disclose all the limitations of claim 22; therefore, claim 22 is rejected for the same reasons as in claims 1 and 15.

Regarding **claim 23**, Thomas, Johnson and Rodriguez disclose the recordable medium of claim 22; moreover, Thomas discloses that the viewer monitoring system comprises a facial recognition system (user recognition input device [208], column 9 lines 14-16 also exhibited on 2).

Regarding **claim 24,** Thomas, Johnson and Rodriguez disclose all the limitations of claim 24; therefore, claim 24 is rejected for the same reasons as in claims 9 and 10, respectively.

Regarding **claims 25, 26, 27, 28, 29, 30, 31 and 32,** Thomas, Johnson and Rodriguez disclose all the limitations of claims 25, 26, 27, 28, 29, 30, 31 and 32; therefore, claims 25, 26, 27, 28, 29, 30, 31 and 32 are rejected for the same reasons as in claims 2, 3, 4, 13, 14, 7, 8 and 11, respectively.

Regarding **claims 33, 34 and 35,** Thomas, Johnson and Rodriguez disclose all the limitations of claims 33, 34 and 35; therefore, claims 33, 34 and 35 are rejected for the same reasons as in claims 4, 13 and 14, respectively.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUNIOR O. MENDOZA whose telephone number is (571)270-3573. The examiner can normally be reached on Monday - Friday 9am - 5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571)272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Junior O Mendoza
Examiner
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/J. O. M./
May 5, 2010

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